

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.R., individually and on behalf of
J.B., a child with a disability,

Plaintiff,

Case No.: 1:19-cv-11783-RA-SN

-against-

NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendant.

**JUDGMENT AWARDING PLAINTIFFS' ATTORNEYS FEES AND COSTS
CONSISTENT WITH MEMORANDUM OPINION & ORDER**

The Court GRANTS Plaintiffs' motion for summary judgment, as well as pre-and post-judgment interest WITH MODIFICATIONS as set forth in the Court's Memorandum Opinion and Order dated August 4, 2021:

For the administrative component:

1. Plaintiffs are entitled to an hourly rate of \$350.00 for Andrew Cuddy and Jason Sterne. Mr. Cuddy and Mr. Sterne billed a combined total of 2.5 hours for the administrative component. A 20% reduction in hours billed brings Mr. Cuddy and Mr. Sterne's billable hours to 2.0. Therefore, Plaintiffs are entitled to \$700 in attorneys' fees for Mr. Cuddy and Mr. Stern.
2. Plaintiffs are entitled to an hourly rate of \$250 for Justin Coretti and Kevin Mendillo. Mr. Coretti and Mr. Mendillo billed a combined total of 87 hours for the administrative component. A 20% reduction in hours billed brings Mr. Coretti and

Mr. Mendillo's total billable hours to 69.6 hours. Therefore, Plaintiffs are entitled to \$17,400.00 in attorneys' fees for Mr. Coretti and Mr. Mendillo.

3. Plaintiffs are entitled to an hourly rate of \$100 for paralegals/legal assistants Allison Bunnell, Aaron Moore, Diana Gagliostro, Amanda Pinchak, Sarah Woodard, and Shobna Cuddy. The total time billed for paralegal/legal assistant work on the administrative matter was 21.1 hours. A 20% reduction in billing hours brings the total paralegal/legal assistant hours to 16.9 hours. Therefore, Plaintiffs are entitled to \$1,690.00 in attorneys' fees for paralegal/legal assistants on the administrative matter.
4. Plaintiffs are entitled to recover one hour of travel time each way for Mr. Coretti's travel to hearings at an hourly rate of \$125. As Mr. Coretti traveled to and from New York City for three hearings, Plaintiffs' are entitled to \$750 in travel time for Mr. Coretti.
5. Plaintiffs' costs for printing are reduced to .10 cents per page. This reduces Plaintiffs' printing (copying) costs for the administrative component from \$151.00 to \$30.20.
6. Plaintiffs' may not seek costs for faxing, reducing Plaintiffs' costs for the administrative component by \$132.00.
7. The total attorneys' fees Plaintiff is entitled to for the administrative component is \$20,540.00 including Mr. Coretti's travel time.
8. The total costs Plaintiff is entitled to for the administrative component is \$1,512.75.

Federal Component

9. Plaintiffs are entitled to an hourly rate of \$350.00 for Andrew Cuddy and Jason Sterne. Mr. Cuddy and Mr. Sterne billed a combined total of 9.4 hours for the federal component. A 25% reduction in hours billed brings Mr. Cuddy and Mr. Sterne's

billable hours to 7.1. Therefore, Plaintiffs are entitled to \$2,485.00 in attorneys' fees for Mr. Cuddy and Mr. Stern.

10. Plaintiffs are entitled to an hourly rate of \$250 for Justin Coretti and Benjamin Kopp.

Mr. Coretti and Mr. Kopp billed a combined total of 67.6 hours for the federal component. A 25% reduction in hours billed brings Mr. Coretti and Mr. Kopp's total billable hours to 50.7 hours. Therefore, Plaintiffs are entitled to \$12,675.00 in attorneys' fees for Mr. Coretti and Mr. Kopp.

11. Plaintiffs are entitled to an hourly rate of \$100 for paralegals/legal assistants Allison

Bunnell, Amanda Pinchak, and Shobna Cuddy. The total time billed for

paralegal/legal assistant work on the administrative matter was 5.8 hours. A 25% reduction in billing hours brings the total paralegal/legal assistant hours to 4.4 hours.

Therefore, Plaintiffs are entitled to \$440.00 in attorneys' fees for paralegal/legal assistants on the administrative matter.

12. Plaintiffs' costs for printing are reduced to .10 cents per page. This reduces Plaintiffs'

printing (copying) costs for the administrative component from \$18.00 to \$3.60.

13. Plaintiffs' did not seek any faxing costs associated with the federal matter.

14. The total attorneys' fees Plaintiff is entitled to for the federal component is

\$15,600.00.

15. The total costs Plaintiff is entitled to for the federal component is \$493.60.

Pre-Judgment Interest

16. Plaintiffs are seeking pre-judgment interest calculated as Principal x Annual Rate x

(Number of Days/365), citing *Makinen v. City of New York*, No. 11-cv-07535, 2016

WL 1451543 *11 fn. 5 (S.D.N.Y. Apr. 12, 2016).


17. Plaintiffs are entitled to pre-judgment interest as calculated from the date of the initial fee demand Plaintiffs made on from November 17, 2018 through August 10, 2021 at 3.25% on the amount awarded in this Order.

ORDERED that Plaintiffs' Motion for Summary Judgement is hereby GRANTED WITH MODIFICATIONS; and it is further

ORDERED that Plaintiff is hereby awarded attorneys' fees in the amount of \$36,140.00, costs in the amount of \$2,006.35, and prejudgment interest in the amount of \$3,386.40, with post-judgment interest thereon.

SO ORDERED.

Dated: August 31, 2021
New York, New York



HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK